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H0001343-1638

RE:

Appeal Brief - Patent

RECIPIENT'S REFERENCE NUMBER:

09/930,097

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FOR REVIEW

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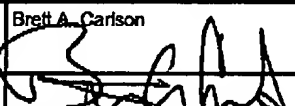
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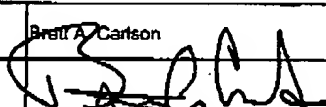
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/950,097	
	Filing Date	09/10/2001	
	First Named Inventor	Donald Stylnski	
	Art Unit	3713	
	Examiner Name	C. SAADAT	
Total Number of Pages in This Submission	19	Attorney Docket Number	H0001343

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Submission of Appellant Appeal Brief
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Brett A. Carlson	
Signature		
Date	July 11, 2005	

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**Complete if Known**

Application Number	09/850,097
Filing Date	09/10/2001
First Named Inventor	Donald Stylinski
Examiner Name	C. SAADAT
Art Unit	3713
Attorney Docket No.	H0001343

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	50.00	=			
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	200.00	=			
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief Filing Fee

Fees Paid (\$)

500.00

SUBMITTED BY

Signature

Name (Print/Type) Brett A. Carlson

Registration No. 39,928
(Attorney/Agent)

Telephone (480) 385-5060

Date July 11, 2005

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JUL 11 2005

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: STYLINSKI et al.

Group Art Unit: 3713

Serial No.: 09/950,097

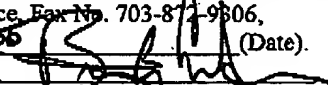
Examiner: Saadat, Cameron

Filed: September 10, 2001

Confirmation No.: 2242

For: PILOT INTERNET PRACTICE SYSTEM AND METHODS

Attorney Docket No.: H0001343--1638

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APPELLANT'S BRIEF FILED UNDER 37 C.F.R. § 1.192

MAILSTOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

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Commissioner:

The present invention relates to a new system that allows pilots to practice usage of highly sophisticated aircraft components from any conventional computer system with access to the Internet. Unlike traditional flight simulators that strive to reproduce the entire flight experience for the pilot, the present invention focuses on teaching the pilot how to program and/or operate a particular aircraft component such as a flight management system. The present invention therefore provides an environment for pilots to practice flight planning and/or other operations performed on very specialized aircraft components without requiring the student to travel to a simulator or to possess specialized computing hardware.

In the Final Office Action, the Examiner refused to allow our patent application, stating that a skilled engineer would be motivated to choose certain elements described in four separate references identified by the Examiner, and that these elements, when combined, would make our invention obvious. With all due respect to the Examiner, the basis for selecting the particular elements found in the four separate references is, at best, dubious without the benefit of our claims and a substantial amount of impermissible hindsight. More importantly, even if the four references were combined with each other, the resulting combination would still fail to disclose the inventions that are presently claimed. We appealed the Examiner's final decision to the Board of Patent Appeals and Interferences because the Final Office Action does not set forth an adequate basis for rejecting our invention.

Each of the items required by 37 C.F.R. § 1.192(c) are set forth below:

1. Real Party in Interest

The real party in interest for this invention is Honeywell International Inc., a Delaware Corporation.

2. Related Appeals and Interferences

There are no related Appeals or Interferences.

3. Status of Claims

Claims 1, 4, 6-7, 9-11, 13-16 and 18-22 are pending in the present Appeal, with claims 1, 7 and 15 being independent claims. Claims 2-3, 5, 8, 12 and 17 have been cancelled in Applicant's prior Responses, and are no longer pending. Claims 1, 4, 6-7, 9-11, 13-16 and 18-22 are under appeal, and a clean copy of the appealed claims is appended to this Brief.

4. Status of Amendments

Applicant submitted a Response under 37 C.F.R. 1.116 on March 29, 2005 amending claims 1, 7 and 15 to restore broader earlier-pending language. The Examiner has indicated in the Advisory Action dated April 25, 2005 that this Amendment was entered for purposes of Appeal.

5. Summary of the Invention

Our invention allows pilots to practice operating highly-sophisticated flight management systems or other aircraft components without leaving their homes or offices. While the actual scope of our invention is defined by the claims and their legal equivalents, the following detail will provide a broad introduction to certain exemplary embodiments of our inventions.

Cockpits in commercial and military aircraft contain many components that are highly complex. One of the most complex is the flight management system (FMS), which is a very specialized computer system that allows the pilot to plan flights (often using maps or other information contained within a navigational data base) and to make changes in the plan as the flight progresses. During the flight, the FMS interoperates with other components on the aircraft (sensors, controls, autopilot, etc.) to automatically execute the flight path programmed by the pilot. Although modern FMSs allow pilots to automate many complex and data-intensive flight planning tasks, these devices, like all computer systems, can be complicated, and therefore can require some training and practice prior to use. As a result, even skilled and experienced pilots frequently have a need to practice flight planning and other tasks involving complex FMS or other components. In such cases, the pilot is not concerned so much with the overall flight experience as with having a highly accurate representation of the actual component that will be present in the cockpit.

As noted in the Background section of our Application,¹ many conventional flight simulator programs do not provide the ability to practice using a particular aircraft component in a convenient manner. While many airlines and government agencies (for example) own very sophisticated flight simulator training equipment, this equipment is intended to simulate the entire flight experience and is therefore highly specialized and very expensive, typically costing well into the millions of dollars for a single simulator. Moreover, such simulators typically require the trainee to be physically present within the simulated cockpit, thereby often requiring the pilot to travel and making casual use of such simulators highly inconvenient, at best. On the other hand, various "over the counter" flight simulators (such as Microsoft Flight Simulator) are readily available at a low cost, but these do not typically provide the level of specificity and sophistication required by actual professional pilots, particularly with regard to particular FMSs and other components.

¹ See, e.g., pages 1-3 of the originally-filed Specification.

In contrast to the previously-available flight simulators described above, our invention allows pilots to practice use of highly-sophisticated flight components from the comfort of their home or office.² The pilot simply opens a conventional internet browser on any computer having access to the Internet (or another public network), and is able to practice flight planning or other skills over a network connection to a remote server. The remote server, in turn, includes a server host that is a general purpose computer with one or more simulation cards capable of executing software based upon actual aircraft component software. Our system therefore includes a gateway to a public network that receives and authenticates connections from the pilot over a public network. If the pilot is authorized to use the system, a connection is established between the pilot's browser and the simulator card executing the component software.

Because the software executed by the simulator card is based upon that executed in an actual aircraft component, the pilot is presented with a highly-accurate representation of the component that will be present in the cockpit within a standard internet web browser. As a result, the pilot is able to conveniently practice flight planning or other skills involving actual aircraft components in a highly convenient manner. Additional information is provided within the Specification and Drawing Figures originally filed on September 10, 2001.

6. Issues

The present Appeal presents two issues for the Board's decision:

Issue #1: *Does the cited combination of references in fact disclose a gateway and a simulation card executing software based upon an actual flight component, as our claims require?*

and

Issue #2: *Would an ordinarily skilled person be motivated to combine the four separate references to duplicate our invention without the benefit of our claims and impermissible hindsight?*

For the reasons set forth below, Applicant respectfully requests that the Board find in the negative for both of these issues. A negative finding on either issue, however, would result in allowability of our patent application.

² FIGS. 5A-B are exemplary "screen shots" of displays presented within the trainee's browser in one embodiment.

7. Grouping of Claims

Each of the claims are unique and therefore patentable for their own reasons. The particular issues of this appeal, however, relate to common claim language found within each of the independent claims. Applicant has therefore treated the claims as a single group herein, and does not object to the consideration of a single independent claim for purposes of deciding this Appeal. Applicant nevertheless expressly reserves the right to separately point out other features of the various claims at a later date.

8. Argument

To prove a case of obviousness, as the Examiner has attempted in this application, three criteria must be met.³ First, there must be some suggestion or motivation to combine the teachings of the various references. Secondly, there must be a reasonable expectation of success. Third, the combination of prior art references must teach or suggest all of the limitations of the Applicant's claims. In the present case, even if an ordinarily skilled person would be motivated to combine the four references identified by the Examiner, this combination would still fail to disclose all of the limitations contained in our claims. We will first address the shortcomings of the cited art, and then turn to the legal insufficiency of the rejection itself.

- (1) **Issue #1:** *Does the cited combination of references in fact disclose a gateway and a simulation card executing software based upon an actual flight component, as our claims require?*

The Examiner has cited a combination of four references against all of our claims. The primary reference, US Patent 6,053,736 ("Huffman") describes a flight simulator specially-built for AWACS flight training. The secondary reference, US Patent 6,478,581 ("Lin"), describes a cabling scheme that allows a control display navigation unit (CDNU) to be wired into a flight simulator. The remaining references (US Patent No. 6,170,014 ("Darago") and the Salisbury publication) relate to networked courseware distribution and internet browsers, respectively. The Examiner then asserts that it would be obvious to combine the four references to arrive at Applicant's claims.

With due respect to the Examiner, the combination resulting from an aircraft simulator, a wiring harness, a courseware server and an internet browser would fall significantly short of our

claimed inventions. None of the references, for example, disclose a "gateway" having all the aspects recited in our claims, or a simulator card that executes software based upon executable code used in an actual aircraft component. Because none of the references individually disclose either of these elements, even the combination of the four references cannot disclose every aspect of our claimed inventions.

(a) *The "Gateway"*

None of the references, taken alone or in combination, disclose a "gateway" that performs each of the functions required by our claims. In particular, no reference discloses a gateway that *"is operable to receive a request via the public digital network for a connection to said server portion from the general-purpose network browser executing on the client computer, to authenticate the request based upon information contained in the database, and to establish a connection over the public digital network between said server portion and a client portion of said flight simulator program executing on the client computer following a successful authentication"*, as required by Applicant's claim 1.

Each of the four Office Actions have claimed that the "gateway" element present in our claims is described within the Huffman reference. Despite our repeated requests for clarification, however, the Examiner has yet to identify a specific element in Huffman that performs the gateway functions. To the contrary, the Huffman reference is not intended to perform a gateway function as that term is delineated in our claims. The Huffman system is clearly described as "a multi-mode single platform system"⁴ similar to the standalone aircraft simulators described in our Specification at page 2, lines 1-10. The student sits at a specialized console (element 11 in FIG. 1), and highly specialized computer systems simulate the AWACS flight experience. The reference does not relate to providing a simulation to a user across a network in any manner, and therefore makes no mention whatsoever of a "gateway" or public network.

The closest allusion to a "gateway" element in the Huffman reference is found at col. 4, lines 49-55.⁵ Even this limited disclosure simply describes an interface (element 16c in FIG. 1) that allows the simulator to communicate with another stand-alone flight simulator manufactured

³ *Graham v. John Deere Co.*, 383 U.S. 1,17, 148 USPQ 459, 467 (1966)

⁴ See, e.g., Huffman col. 1, lines 15-16; col. 2, lines 5-6 and 46-49.

⁵ This passage was cited in the Office Action dated October 21, 2003.

by the McDonnell Douglass corporation via a local area network.⁶ Huffman therefore does not disclose a gateway as we have used this term, nor does the reference mention the various features (e.g. user authentication, establishing connections to conventional browsers, etc.) of the gateway recited in our claims.

The most recent Final Office Action dated February 23, 2005 does state in the "Response to Arguments" Section (i.e. not in the rejection of the claims) that the Examiner does not, in fact, rely upon the Huffman reference to provide the "gateway" element, but rather upon the Darago reference.⁷ Besides being contrary to the actual rejection contained within the body of the Office Action, this assertion is similarly not borne out by the reference. In particular, the Darago reference is not concerned with a gateway that *establish[es] a connection over the public digital network between said server portion and a client portion of said flight simulator program executing on the client computer following a successful authentication*". To the contrary, the Darago disclosure simply relates to a courseware server capable of enforcing intellectual property licensing requirements upon classroom software.⁸ This licensing feature does not disclose the particular gateway features contained within our claims, particularly with regard to establishing connections between client and server portions of a flight simulation program. The Examiner has never asserted that the "gateway" feature is found within either the Lin or Salisbury references, and indeed neither of these references even remotely provide gateway functionality as described by our claims.

As a result, none of the cited references expressly or impliedly disclose at least:

[a] gateway operable to receive a request via the public digital network for a connection to said server portion from the general-purpose network browser executing on the client computer, to authenticate the request based upon information contained in the database, and to establish a connection over the public digital network between said server portion and a client portion of said flight simulator program executing on the client computer following a successful authentication.

⁶ Huffman does describe the DIS networking feature in more detail in conjunction with FIG. 4, but even this discussion does not relate to a "gateway" or providing access over a public network, as recited in our claims.

⁷ See Final Office Action dated February 23, 2005 at page 8, line 22. This is in stark contrast to the actual rejection of the claim language provided at, for example, page 3, line 17 of the same document.

⁸ The actual rejections contained within the Office Actions cite Darago as disclosing an authentication database.

Because none of the individual references disclose a gateway having all of these characteristics, even a combination of the four references would fail to disclose at least this element of the invention.

(b) *Software "Based Upon Executable Code Used In An Actual Aircraft Component"*

None of the references, taken alone or in combination, disclose a simulation card that executes software that is *based upon executable code used in an actual aircraft component* as required by our claims. As noted above, the pilot/user is able to interoperate with a very accurate representation of an actual aircraft component (e.g. a flight management system) within a conventional browser operating on a conventional computer via the Internet or a similar public network. Moreover, claim 1 recites that the server portion of the system operates on a general purpose computer having one or more simulation cards executing software code that is based upon the code used in an actual aircraft component. By executing component code on a card residing within a conventional general-purpose computer, the cost of the simulation is significantly reduced (compared to standalone flight simulators such as those shown in the Huffman reference) without sacrificing the features of the component made available to the remote user.

The various Office Actions acknowledge that the primary reference does not include this feature of the invention, but alleges that this element is described in US Patent No. 6,478,581 ("Lin"). The Lin reference does not disclose simulation cards in any manner, but rather describes a wiring technique for connecting an actual aircraft component to a standalone flight simulator. **This point is never disputed by the Examiner.** Indeed, the only sections of Lin ever cited by the Examiner⁹ contain no mention whatsoever of software "based upon executable code used in an actual component", but rather relate to adapting the actual component itself to work in the simulation environment.¹⁰

Even if the Huffman and Lin references were combined, then, the result would be a standalone flight simulator with an actual cockpit display navigation unit (CDNU) wired into the

⁹ Lin col. 1, lines 19-25; col. 2, lines 20-25 and 62-64.

¹⁰ See Lin at col. 1, lines 59-61.

simulator.¹¹ *Even this combination fails to disclose a simulator card with software code based upon code used in an actual component, as this language is used in our claims.* The Examiner has never alleged that the Darago and Salisbury references contain any mention of this feature, nor do either of these references in fact have any disclosure relevant to this aspect of our invention. As a result, even a combination of the four references fails to anticipate *a server portion of said flight simulator program on a simulation card, wherein the server portion comprises executable code that is based upon executable code used in an actual aircraft component* as this language is used within our claims.

To reiterate, then, none of the references cited by the Examiner disclose at least several aspects of our claimed inventions. Because none of the reference disclose at least a “gateway” and “a simulator card executing code based upon code used in an actual aircraft component” as recited within each of our independent claims, even the combination of the four references would fail to fairly anticipate these aspects of our invention. The cited combination of references therefore does not in fact disclose the inventions set forth in our claims, as required to sustain the Section 103 rejection.

(2) **Issue #2:** *Would an ordinarily skilled person be motivated to combine the four separate references to duplicate our invention without the benefit of our claims and impermissible hindsight?*

The Examiner acknowledges that our inventions are not disclosed within a single prior art reference, instead rejecting our invention based upon a combination of four separate references under Section 103. Applicant respectfully disagrees that the combination of Huffman/Lin/Darago/Salisbury and “additional information known in the art” would be obvious. Indeed, although the Examiner could theoretically combine an infinite number of references if done so properly, the mere fact that the Examiner requires so many references to reject even a single three-element claim is highly suspect. At the very least, the particular reasoning provided by the Examiner is inadequate to sustain a Section 103 rejection, as it fails to provide a convincing reason as to why a skilled artisan would have made the proposed combination without using our claims as a guide to making the combination.

¹¹ It is well-settled that “it is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests”. *In re Wesslau*, 353 F.2d 238, 147 USPQ 391 (CCPA 1965).

It is well-settled that the Examiner must establish a factual basis to support the legal conclusion of obviousness using the determinations set forth by the United States Supreme Court in Graham v. John Deere Co.,¹² and must provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. This reasoning must stem from some teachings, suggestions or implications in the prior art as a whole, or from knowledge generally available to one having ordinary skill in the art.¹³ The case law emphasizes the need for specificity in setting forth this reasoning,¹⁴ and must explain why a skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.¹⁵

In the most recent Final Office Action, the Examiner states that citations of motivation statements derived from the references have been provided, but this is simply not accurate. More particularly, the Examiner has stated that it would be obvious to combine the Huffman and Lin references "to simulate real avionics equipment in a flight simulator environment, thereby providing a more realistic simulation for providing training", citing the same sections of Lin that were shown to be irrelevant above. Noting that the Huffman/Lin combination still failed to disclose the claimed invention, the Examiner states that it would be obvious to modify the Huffman/Lin storage unit¹⁶ by adding the Darago database "in order to protect licensed content, and to limit use of the content to registered users that are charged accordingly for usage". Further noting that even this combination fails to anticipate our entire invention, the Examiner states that it would be obvious to combine the Salisbury browser into the Huffman/Lin/Darago combination "to deliver a 3D simulation from a web browser". Still further, the Examiner notes that even this combination of Huffman/Lin/Darago/Salisbury fails to disclose the public digital network aspects of our claims, but that this aspect would be "notoriously well known in the art...to provide simulation and training to users at a number of distributed sites, thereby overcoming geographical limitations".¹⁷ None of these reasons are sufficient to sustain a prima facie case of obviousness.

¹² 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

¹³ See, e.g., In re Sang Su Lee, 00-1158 (Fed. Cir. 2002), and cases cited therein.

¹⁴ Id. See also In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000).

¹⁵ Id.

¹⁶ It is not understood why this "storage unit" is relevant to any of our claims.

¹⁷ As a factual matter, Applicant disputes that suitable for use in actual pilot training are widely available over public networks such as the Internet, as the Examiner asserts in the Final Office Action.

MPEP § 2143.01 sets forth several bases for suggesting a particular combination. These reasons include the nature of the problem to be solved, the particular teachings of the prior art, and the knowledge of one of ordinary skill in the art. The particular reasons cited by the Examiner, however, simply re-state the benefits provided by our invention (e.g. “to provide a more realistic simulation”, “to limit the use of content to registered users”, “to provide a 3D display”¹⁸), and in any event fail to apply the proper standard set forth in the MPEP. That is, even if the Examiner’s statements about the benefits provided by the combination are true, these statements are largely irrelevant, since “anticipated benefits” is not a basis for the motivation to combine references that is permitted by MPEP 2143.01.¹⁹

Further, the Examiner has impermissibly excluded the bulk of the cited references, instead picking and choosing only those aspects of the references believed to be relevant to our claims. To use the Huffman/Lin combination as an example, the Examiner ignores the primary thrust of the Lin disclosure (i.e. a wiring harness for connecting an actual CDNU into a standalone simulator) in citing only selected language against Applicant’s claims. Similar statements could be made with regard to the Darago and Salisbury references as well. Rather than considering the references as a whole, then, the Examiner has employed a liberal dose of hindsight, using our claims as a blueprint, and then picking and choosing only certain aspects of the references to the exclusion of other parts necessary for a full appreciation of the cited references. This is not permissible in sustaining a Section 103 rejection.²⁰

9. Conclusion

Focusing again the three primary requirements of a Section 103 obviousness rejection, it is apparent that the Examiner has failed to set forth a legally-sufficient motivation for the suggested combination of references. Moreover, even if the four references were combined with ordinary knowledge as suggested by the Examiner, the resulting combination would still fail to teach all of the limitations of our claims. For these reasons, we very respectfully request that the Board refuse to sustain the Examiner’s rejections, and instead pass our patent application to issue.

¹⁸ Note that our claims do not require a 3D display, so the motivation in at least this case is entirely irrelevant.

¹⁹ See also *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

²⁰ *In re Wesslau* at 241; see also *In re Kamm*, 452 F.2d 1052, 1057, 172 USPQ 298, 301-02 (CCPA 1972).

This Brief is believed to be filed in a timely manner without any need for extensions of time. If for some reason this is not the case, however, Applicant hereby petitions for any extension of time (e.g. any extension from the date that the Notice of Appeal and/or the Final Office Action were mailed) and grants the Commissioner authorization to debit Deposit Account No. 50-2091 for any fees as may be required to consider this Brief and/or to prevent abandonment of this application.

Respectfully submitted on behalf of assignee

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Appendix – Listing of Claims Under Appeal

Claim 1 (previously presented): A content-providing system for allowing a remotely-located user operating a general-purpose network browser program having a user interface displayed by a client computer to interact with a flight simulator program via a public digital network, said system comprising:

- a gateway having an interface to said public digital network;
- a database in communication with said gateway; and
- at least one general-purpose host computer system executing a server portion of said flight simulator program on a simulation card, wherein the server portion comprises executable code that is based upon executable code used in an actual aircraft component;

wherein said gateway is operable to receive a request via the public digital network for a connection to said server portion from the general-purpose network browser executing on the client computer, to authenticate the request based upon information contained in the database, and to establish a connection over the public digital network between said server portion and a client portion of said flight simulator program executing on the client computer following a successful authentication, wherein primary processing for said flight simulator takes place at said server portion, and wherein updates to the user interface displayed on the client computer are processed at said client portion.

Claims 2-3 (cancelled).

Claim 4 (previously presented): The content-providing system of claim 1 wherein said database comprises billing information, and wherein the gateway is further configured to update the billing information in response to the connection being established.

Claim 5 (cancelled).

Claim 6 (previously presented): The content providing system of claim 1 wherein said actual aircraft component is a flight management system (FMS).

Claim 7 (previously presented): A method of providing access via a public digital network from a client computer to a server portion of a flight simulator program at a content-providing system having a database, wherein the client computer comprises a client portion of said flight simulator program and a general purpose network browser having a user interface displayed on the client computer, the method comprising:

receiving a request for a connection from the network browser via said public digital network at a gateway associated with said content-providing system, wherein the request comprises an authentication credential;
correlating said authentication credential with data stored in the database to verify that said client portion is permitted to access said server portion;
establishing a connection between said client portion and said server portion across said public digital network via said gateway in response to the request;
executing said server portion at said content-providing system, wherein the server portion comprises executable code executing on a simulator card residing in a general purpose host computer, wherein the executable code is based upon executable code used in an actual aircraft component; and
providing instructions from said server portion to said client portion, said instructions corresponding to an update to the user interface executing at said client computer.

Claim 8 (cancelled).

Claim 9 (original): The method of claim 7 further comprising the step of monitoring a time of usage at said content-providing system.

Claim 10 (original): The method of claim 9 further comprising the step of maintaining information at said content-providing system, wherein said billing information is correlated to said time of usage.

Claim 11 (original): The method of claim 7 wherein said program is an aircraft simulation program.

Claim 12 (cancelled).

Claim 13 (previously presented): The method of claim 11 wherein the aircraft component comprises a flight management system.

Claim 14 (original): The method of claim 13 wherein said program is stored on a card executing on a host computer associated with said content-providing system.

Claim 15 (previously presented): A system for providing access over a network between a server application and remotely-located client computer executing a general-purpose network browser and a client application, said system comprising:

- a database configured to store a plurality of records;
- a plurality of cards, each of said plurality of cards residing in a general-purpose host computer and comprising a card processor configured to execute a copy of said server application, wherein the server application comprises executable code that is based upon executable code used in an actual aircraft component; and
- a gateway in communication with said network, with the database, and with each of said plurality of cards, wherein said gateway is configured to provide access between said client application and the copy of said server application executing on one of said plurality of card processors via said network, and wherein said access is based upon comparison of a credential provided from said browser with one of the records stored in the database.

Claim 16 (original): The system of claim 15 wherein each of said plurality of computer applications comprises an aircraft simulation program.

Claim 17 (cancelled).

Claim 18 (previously presented): The system of claim 15 wherein said actual aircraft component is a flight management system.

Claim 19 (original): The system of claim 15 wherein said network is a distributed interactive simulation (DIS) network.

Claim 20 (original): The system of claim 15 wherein said network is a high level architecture (HLA) network.

Claim 21 (original): The system of claim 19 wherein said system is connected through said IDS network to a distributed mission training (DMT) scenario.

Claim 22 (original): The system of claim 20 wherein said system is connected through said HLA network to a distributed mission training (DMT) scenario.

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